

SANPETE COUNTY COMMISSION MEETING

January 5, 2010, 10:00 A.M.

Sanpete County Courthouse, 160 North Main, Room 303, Manti, Utah

Present are: Commission Chair Claudia Jarrett, Commissioners Spencer Cox and Steve Frischknecht, County Attorney Ross Blackham, and County Clerk Sandy Neill. Present from the media is C.R. Truitt.

Meeting is called to order by Commission Chair Claudia Jarrett.

CLAIMS

Auditor Ilene Roth is present. Motion is made by Commissioner Cox to approve payment of claims #322348 through #322389 with the exception of #322365. The motion is seconded by Commissioner Frischknecht, and the motion passes.

APPROVAL TO PAY EcoLIFE FOR MOSQUITO CONTROL

Motion is made by Commissioner Frischknecht to approve the payment of \$2,011.93 to EcoLife for mosquito control. The motion is seconded by Commissioner Cox, and the motion passes.

APPROVAL TO PAY KELLER CONSTRUCTION FOR WORK DONE ON THE INDIANOLA VALLEY FIRE STATION

Motion is made by Commissioner Cox to approve the payment of \$101,863.93 to Keller Construction for work done on the Indianola Valley Fire Station. The motion is seconded by Commissioner Frischknecht, and the motion passes.

APPROVAL TO PAY UTAH MEDICAL INSURANCE ASSOCIATION (UMIA) FOR INSURANCE PREMIUM FOR INMATE HEALTH CARE PROVIDER

Motion is made by Commissioner Cox to approve the payment of \$2,324.00 to UMIA for the insurance premium for Dr. Burnham, the healthcare provider for the inmates at the jail. The motion is seconded by Commissioner Frischknecht, and the motion passes.

APPROVAL TO PAY UTAH COUNTIES INSURANCE POOL (UCIP) FOR MEMBERSHIP PREMIUM

Motion is made by Commissioner Frischknecht to approve the payment of \$80,989.00 to UCIP for the membership premium for 2010. The motion is seconded by Commissioner Cox, and the motion passes.

APPROVAL TO PAY UCIP FOR WORKER'S COMPENSATION POOL

Motion is made by Commissioner Cox to approve the payment of \$29,221.00 to UCIP for the worker's compensation pool. The motion is seconded by Commissioner Frischknecht, and the motion passes.

APPROVAL TO PAY THOMAS INC. FOR INDEPENDENT ENERGY AUDIT REQUIRED FOR ENERGY GRANT

Motion is made by Commissioner Frischknecht to approve the payment of \$1,500.00 to Thomas Inc. for an independent energy audit. The motion is seconded by Commissioner Cox, and the motion passes.

APPROVAL TO PAY THE STATE OF UTAH FOR THE INDIGENT CAPITAL DEFENSE FUND FOR 2010

Motion is made by Commissioner Cox to approve the payment of \$10,439.00 to the State of Utah for the indigent capital defense fund for 2010. The motion is seconded by Commissioner Frischknecht, and the motion passes.

TOM CHRISTENSEN WITH JONES AND DEMILLE: APPROVAL OF CONSTRUCTION TESTING CONTRACT MODIFICATION FOR THE AXTELL BRIDGE REPLACEMENT: APPROVAL OF PAYMENT REQUEST AND PROGRESS REPORT ON AXTELL BRIDGE: AND APPROVAL OF PAYMENT REQUEST AND PROGRESS REPORT ON PIGEON HOLLOW ROAD

Tom Christensen is present. The old bridge in Axtell will be removed today. Motion is made by Commissioner Frischknecht to approve the construction testing contract modification (to perform a pile driving analysis at a cost of \$5,409.70) for the Axtell Bridge replacement project. The motion is seconded by Commissioner Cox, and the motion passes. Motion is made by Commissioner Cox to approve the payment request and progress report on the Axtell Bridge. The payment of \$3,736.67 will be made by UDOT. The motion is seconded by Commissioner Frischknecht, and the motion passes. Motion is made by Commissioner Frischknecht to approve the payment request and progress report on the Pigeon Hollow Road. The payment of \$5,471.47 will be made by UDOT. The motion is seconded by Commissioner Cox, and the motion passes.

LOUIS BROWN WITH STATE TRUST LANDS: DISCUSSION OF COUNTY ROADS CROSSING TRUST LAND ROADS

Louis Brown, Chris Faucett, Kim Christy, Nancy Koeber, and Steve Keller are present. Mr. Brown explains that trust lands were designated when the state was formed, and the lands are managed to obtain income for the schools. The County has roads on the trust lands, and easements need to be arranged. Mr. Faucett states that Sanpete County's 10 Class B roads on trust lands have been identified with help from the AGRC. Mr. Christy reports that most of the roads have been recognized as valid. Small segments of Flat Canyon Road and also Skyline West Mountain Road may need to have the easements legitimized. Five or six years ago, the state legislature arranged for funds from surcharges received for OHV use to be placed in an account to be used for the State Trust Lands. These funds may be used to pay for the easements, which could save Sanpete County a few thousand dollars. Ms. Koebler states there are 10 Class B roads that are involved. Most of the roads (10.76 miles) have valid existing rights (1.11 miles will require easements). Mr. Brown asks the County to review the maps. Documents will come later for legitimizing the easements. Mr. Brown asks what the County policy is on OHV use on County roads. The County currently does not have an ordinance restricting use.

APPROVAL OF CONTRACT WITH BARRY BRADLEY

A new proposed contract is reviewed. Discussion is held as to possible modifications. Mr. Bradley states that having a vehicle to respond to emergencies is important. Motion is made by Commissioner Cox to approve the modified contract which allows the use of a county vehicle that is appropriately signed for law enforcement use. The motion is seconded by Commissioner Frischknecht, and the motion passes. Mr. Bradley will be paid \$20.00 per hour, and will work an average of 19 hours per week. The Commission asks the sheriff to post notice for part-time help in this department. A new contract will be prepared as modified and signed.

KEN BENCH: APPROVAL TO HIRE KEITH LARSEN

Ken Bench and Keith Larsen are present. Motion is made by Commissioner Cox to approve the hiring of Keith Larsen at the rate of \$12.71 per hour effective January 4, 2010. The motion is seconded by Commissioner Frischknecht, and the motion passes. Tax adjustments will be placed on the next agenda for approval.

APPROVAL OF MINUTES

Motion is made by Commissioner Frischknecht to approve the minutes from December 15, 2009 with minor corrections. The motion is seconded by Commissioner Cox, and the motion passes. Motion is made by Commissioner Frischknecht to approve the minutes from December 30, 2009 with minor corrections. The motion is seconded by Commissioner Cox, and the motion passes.

INTERVIEW OF DIANNE SUE PLAYER FOR JUSTICE COURT JUDGE OPENING

Dianne Sue Player is present. The Commission invites Mrs. Player to tell about herself and why she applied for this job. She is also asked to explain her judicial philosophy in a nutshell. Mrs. Player states that the judicial system works well. She sees that her job as judge would be to make sure that the laws are followed. One of her past duties was to draft the laws for the UTA, and all but one law that she wrote passed. The Commission ask if there would be a conflict of interest with Mr. Neeley if he were to come before the court after having worked for him. Mrs. Player responds that she does like Mr. Neeley, and would not allow this to conflict with her responsibilities as judge. County Attorney Ross Blackham asks if Mr. Neeley would appear before her in court, if another attorney were to challenge her ability to be neutral if she would be offended. She states that no offense would be taken.

INTERVIEW OF JOHN ROWLAND COX FOR JUSTICE COURT JUDGE OPENING

John Rowland (Jack) Cox is present. He states for the record that he is not related to Commissioner Cox. The Commission invites Jack Cox to tell why he applied for this job. He states he has a law degree, and would like to help the County. His focus in his employment has been on the economic development of states. He is currently retired, and would like to occupy his time. He would not be a lax judge. He believes that people get into trouble gradually. He believes the court should do what they can to see if there is a way to get people back on the right track early. The commission ask if there are possible conflicts with how he would perform his duties. Mr. Cox responds that he has been a supervisor for over 30 years and has learned to put aside possible conflicts.

INTERVIEW OF IVO RAY PETERSON FOR JUSTICE COURT JUDGE OPENING

Ivo Ray Peterson is present. The Commission ask Mr. Peterson to explain why he applied for this position, and what he has to offer to the County. Mr. Peterson states that he started out with one justice court in the County, and has since added 7 courts. Although he is against the state taking over the justice courts, he has seen advantages in having a consistency in how the justice courts are run. He works with classes in schools to teach them about how the legal system works. He would like to see rehabilitation work, but it only works part of the time. He see his job of helping people understand the law so they don't end up in prison. Public service is used a lot for those who can't pay their fines. If he were to be appointed, he would not be able to continue full time at the college. The Commission explain that this position is part time, with no benefits. Mr. Peterson would like to see if the cities would each put in the percentage of the work load into health care benefits (Sanpete's Justice Court work load is 22%). Another possibility would be for one of the courts to provide health care benefits instead of the salary.

Motion is made by Commissioner Frischknecht to adjourn for lunch. The motion is seconded by Commissioner Cox, and the motion passes.

CENTRAL UTAH TELEPHONE: RIGHT OF WAY AGREEMENT TO INSTALL FIBER OPTIC CABLE FROM HIGHWAY 132 CONTINUING WEST ON NORTH SIDE OF MORONI FEED ROAD

Commissioner Cox has a conflict and abstains from this discussion. Motion is made by Commissioner Frischknecht to approve a right of way agreement with Central Utah Telephone to install fiber optic cable subject to receipt of \$50.00 application fee. The motion is seconded by Commissioner Jarrett, and the motion passes.

MATTHEW BRIGGS: RIGHT OF WAY AGREEMENT TO LAY A 6" PIPE ALONG DIRT ROAD ON 22000 NORTH

Motion is made by Commissioner Frischknecht to approve a right of way agreement with Matthew Briggs to lay pipe along a County dirt road. The motion is seconded by Commissioner Cox, and the motion passes.

APPOINTMENT OF INDIAN RIDGE WATER CONSERVANCY DISTRICT BOARD MEMBERS

Motion is made by Commissioner Cox to table this matter. The motion is seconded by Commissioner Frischknecht, and the motion passes.

Motion is made by Commissioner Frischknecht to go into executive session to discuss the character, professional competence, or physical or mental health of individuals. The motion is seconded by Commissioner Cox, and the motion passes.

EXECUTIVE SESSION

Motion is made by Commissioner Cox to go out of executive session. The motion is seconded by Commissioner Frischknecht, and the motion passes. The following action is taken based on this executive session. Motion is made by Commissioner Cox to appoint John Rowland Cox as the new justice court judge at a salary of \$24,000.00 per year contingent upon successfully meeting the county's employment requirements. The motion is seconded by Commissioner Frischknecht, and the motion passes.


OTHER

Lee Holmstead and Reed Hatch are present. Mr. Holmstead is concerned about the wording on a proposed change to the land use policy. Utah Code 17-27a 605(4) now allows one lot to be split from a 100 acre parcel without creating a subdivision. Sanpete County's land use ordinance needs to be changed to comply with Utah Code. The wording of the proposed amendment calls the split a minor subdivision which can be confusing based on the current rules relating to subdivisions. The term minor subdivision will be stricken from the proposed change.

Motion is made by Commissioner Frischknecht to adjourn. The motion is seconded by Commissioner Cox, and the motion passes.

The meeting is adjourned at 3:01 P.M.

ATTEST: 
Sandy Neill
Sanpete County Clerk

APPROVED: 
Claudia Jarrett
Commission Chair